

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6202

BILL NUMBER: SB 273

NOTE PREPARED: Dec 15, 2011

BILL AMENDED:

SUBJECT: Regulation of Outdoor Stage Equipment.

FIRST AUTHOR: Sen. Lanane

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill prohibits the use of outdoor stage equipment for an outdoor performance without a permit issued by the Division of Fire and Building Safety (DFBS) or a county, city, or town acting under a regulatory program approved by the Fire Prevention and Building Safety Commission (FPBSC). The bill provides for the establishment of standards for, and the inspection of, outdoor stage equipment by the FPBSC.

Effective Date: Upon passage.

Explanation of State Expenditures: The impact of this provision on DFBS expenditures is indeterminable. The bill would allow the FPBSC to establish the thresholds on which structures would not have to be inspected with respect to size and weight. Therefore, it is unknown what additional resources could be required to enforce any rules developed by the FPBSC.

If the DFBS had to conduct more inspections as a result of the bill, the DFBS would require more inspectors and would provide additional training to inspect these devices in addition to the structures already inspected under current law. However, the FPBSC would be able to authorize inspection programs within “approved units” as defined by the bill. Allowing approved units to carry out inspections could mitigate some of the cost to DFBS.

The bill does not include an appropriation. Therefore, the Department of Homeland Security would have to implement the bill’s provisions within existing resources in lieu of future legislative or administrative action.

Explanation of State Revenues: *Summary:* The bill would allow the FPBSC to establish fees for the

inspection and permitting of outdoor stage equipment. The bill would impose a Class C infraction on certain persons in violation of outdoor stage equipment regulations.

Penalty Provision: The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund. Depending on the number of stages inspected, any additional revenue is likely to be small.

Explanation of Local Expenditures: The bill would prohibit a local unit of government from inspecting outdoor stage equipment unless approved by the FPBSC. The number of local units currently inspecting such equipment is unknown. The cost to local units is indeterminable and would depend on the authorization of the local unit's legislative body.

Explanation of Local Revenues: *Summary:* A unit that is allowed to inspect outdoor stage equipment would be able to charge a fee for the inspection. However, local unit fees may be less than the fees allowed under IC 22-12-6-6 for permitting and inspecting outdoor stage equipment by the state.

Penalty Provision: If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

State Agencies Affected: Department of Homeland Security.

Local Agencies Affected: Local units that inspect outdoor staging equipment, trial courts, local law enforcement agencies.

Information Sources: Mara Snyder, Department of Homeland Security.

Fiscal Analyst: Chris Baker, 317-232-9851.